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THE CITY OF NEW YORK
LAW DEPARTMENT
 100 CHURCH STREET
 NEW YORK, NY 10007

November 26, 2024

BY ECF

Honorable Katherine H. Parker
 United States Magistrate Judge
 United States District Court
 Southern District of New York
 500 Pearl Street
 New York, New York 10007

Defendant's request is GRANTED. Defendant shall respond to the Amended Complaint **by January 27, 2025** and the parties shall submit a joint letter proposing a discovery schedule by **February 3, 2025**. The Clerk of Court is respectfully directed to mail a copy of this Order to Plaintiff.

SO ORDERED:

Katherine H. Parker 12/3/2024
HON. KATHARINE H. PARKER
UNITED STATES MAGISTRATE JUDGE

Re: Kwayne Thompson v. Captain Lemon, et al.
 23 Civ. 2102 (JPO) (KHP)

Your Honor:

I am a Senior Counsel in the Office of Muriel Goode-Trufant, Acting Corporation Counsel for the City of New York, and attorney for defendant City of New York in the above-referenced matter. Defendant City writes to respectfully request (1) a sixty (60) day extension of time, from November 26, 2024 to January 27, 2025, to answer or otherwise respond to the Complaint, and (2) a corresponding, *nunc pro tunc* adjournment of the November 25, 2024 deadline to submit a letter proposing a discovery schedule. This is defendant City's first such request and does not affect any other deadlines. Defendant City has not been able to obtain *pro se* plaintiff's position expeditiously prior to this request, as plaintiff is incarcerated and the undersigned was only assigned this matter this afternoon¹.

As an initial matter, defendant City apologizes for the lateness of this application, as the undersigned was just assigned this case. Although I am personally handling the defense of one of plaintiff's cases against the City of New York, under Docket No. 22 Civ. 1458 (JPO) (KHP), which is pending before Your Honor, the decision by my Office regarding which attorney would

¹ Attorney Sami Elamad entered a "Notice of Limited Appearance" for the "limited purpose of amending [plaintiff's] original complaint," which has now been filed. See Dkt. No. 24, Notice of Limited Appearance, October 30, 2024; Dkt. No. 25, Amended Complaint, November 1, 2024. Therefore, defendant City understands plaintiff to be proceeding *pro se* in this matter.

handle this case was not made until this afternoon. After receiving this assignment, I began immediately preparing this application for the Court.

By way of background, plaintiff brings this action, pursuant to 42 U.S.C. § 1983, against the City of New York, twenty-three (23) individually named New York City Department of Correction (“DOC”) employees, and approximately 30 “John/Jane Doe” Correction Officers, alleging a variety of federal claims related to plaintiff’s incarceration on Riker’s Island from 2021 through 2023.

The reason for the requested enlargement of time is to provide this Office the opportunity to investigate the allegations of the Complaint in accordance with our obligations under Rule 11 of the Federal Rules of Civil Procedure. As such, the requested enlargement of time will allow this Office time to procure adequate information and obtain documentation to respond to the Complaint, such as the relevant DOC records. Should the Court grant this extension, defendant City further respectfully requests a *nunc pro tunc* extension of the November 25, 2024 deadline to submit a letter proposing a discovery schedule.

For the foregoing reasons, defendant City respectfully requests (1) a sixty (60) day extension of time, from November 26, 2024 to January 27, 2025, to answer or otherwise respond to the Complaint, and (2) a corresponding, *nunc pro tunc* extension of the November 25, 2024 deadline to submit a letter proposing a discovery schedule.

Defendant City thanks the Court for its consideration herein.

Respectfully submitted,

/s/ Gregory J.O. Accarino

Gregory J.O. Accarino

Senior Counsel

Special Federal Litigation Division

cc: **By U.S. Mail:**
Kwaine Thompson (DIN: 23B0962)
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